

CASREF,CLOSED_2012,MEDIATION

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:12-cv-00951-RJA-LGF

Marion et al v. Commissioner of Social Security et al
Assigned to: Hon. Richard J. Arcara
Referred to: Hon. Leslie G. Foschio
Cause: 05:552 Freedom of Information Act

Date Filed: 10/10/2012
Date Terminated: 12/06/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Jeffrey E. Marion

represented by **Jeffrey E. Marion**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Michele Obermuller

represented by **Jeffrey E. Marion**
(See above for address)
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Plaintiff

Katie McDonnell

represented by **Jeffrey E. Marion**
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V.

Defendant

Commissioner of Social Security

represented by **Mary Pat Fleming**
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Defendant

Debra L. Bice
*Chief Administrative Law Judge, Social
 Security Administration*

represented by **Mary K. Roach**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kirsten J. Moncada
*Executive Director of the Office of
 Privacy and Disclosure for the Social
 Security Administration*

represented by **Mary K. Roach**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/10/2012	<u>1</u>	COMPLAINT against Commissioner of Social Security, Debra L. Bice, Kirsten J. Moncada, filed by Jeffrey E. Marion, Esq., Michele Obermuller, Katie McDonnell. (CMD) (Entered: 10/11/2012)
10/10/2012		Summons Issued as to Commissioner of Social Security, U.S. Attorney and U.S. Attorney General. (CMD) (Entered: 10/11/2012)
10/10/2012	<u>2</u>	AUTOMATIC REFERRAL to Mediation; ADR Plan electronically forwarded to Plaintiffs' attorney. (CMD) (Entered: 10/11/2012)
10/10/2012	<u>3</u>	Consent to Magistrate Judge forms electronically forwarded to Plaintiffs' attorney. (CMD) (Entered: 10/11/2012)
10/12/2012	<u>4</u>	MOTION for Preliminary Injunction by Jeffrey E. Marion. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Law, # <u>2</u> Affidavit Affidavit in Support of Motion by Plaintiff Jeffrey E. Marion, # <u>3</u> Affidavit Affidavit of Plaintiff Michele Obermuller, # <u>4</u> Affidavit Affidavit of Plaintiff Katie McDonnell, # <u>5</u> Proposed Order)(Marion, Jeffrey) (Entered: 10/12/2012)
10/15/2012	<u>5</u>	MOTION to Expedite <i>Hearing, pursuant to Local Rule of Civil Procedure 7(d)(1)</i> by Jeffrey E. Marion. (Attachments: # <u>1</u> Text of Proposed Order for Expedited Hearing)(Marion, Jeffrey) (Entered: 10/15/2012)
10/16/2012	<u>6</u>	TEXT ORDER: pursuant to L. R. Civ. P. 7(d)(1) the motion for an expedited hearing <u>5</u> filed by plaintiffs shall first be addressed by the Court only after the plaintiffs file confirmation of steps to serve defendants and of other steps reasonably calculated to provide actual notice to the defendants, and to the United States Attorney for the Western District of New York, of the action and of the plaintiffs' application for expedited consideration of the motion for a preliminary injunction. The plaintiffs' attention is further directed to L. R. Civ. P. 65. Issued by Hon. Richard J. Arcara on October 16, 2012. (WJG) (Entered: 10/16/2012)
10/16/2012	<u>7</u>	TEXT ORDER REFERRING CASE to Magistrate Judge. Pursuant to 28 U.S.C. § 636(b)(1)(B), it is ordered that the above-captioned case is referred to the Honorable Leslie G. Foschio, United States Magistrate Judge for the Western District of New York, for all proceedings necessary to a determination of the merits of the factual and legal issues presented by this action. At the conclusion of such proceedings, the Magistrate Judge shall prepare and submit to this Court, a Report and Recommendation containing proposed findings of fact, if appropriate, and recommendations for the disposition of any motions in this case. All papers shall continue to be filed in the Clerks office. SO ORDERED. Signed by Hon. Richard J. Arcara on 10/16/2012. (JMB) (Entered: 10/16/2012)
10/16/2012	<u>8</u>	CERTIFICATE OF SERVICE by Jeffrey E. Marion of <i>Motion for Preliminary Injunction and Motion for Expedited Hearing</i> (Marion, Jeffrey) (Entered: 10/16/2012)
10/24/2012	<u>9</u>	ORDER. Scheduling Conference set for 11/1/2012 02:00 PM before Hon. Leslie G. Foschio. Signed by Hon. Leslie G. Foschio on 10/24/2012. (SDW) (Entered: 10/24/2012)
10/24/2012		Remark. Copy of Doc. No. 9 mailed to the addresses listed on the Certificate of Service filed October 16, 2012 (Doc. No. 8) via United States Postal Service.

		(SDW) (Entered: 10/24/2012)
10/26/2012	<u>10</u>	NOTICE of Appearance by Mary K. Roach on behalf of All Defendants (Roach, Mary) (Entered: 10/26/2012)
11/01/2012	<u>11</u>	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Scheduling Conference held on 11/1/2012. Goft responses to Plaintiff's motion for preliminary injunction due by 11/16/2012. Replies due by 11/20/2012. Oral Argument set for 11/26/2012 11:00 AM before Hon. Leslie G. Foschio. Appearances: Pltf-Jeffrey Marion, Esq.; Dft-AUSA Molly Roach. (Court Reporter FTR Gold.) (SDW) (Entered: 11/02/2012)
11/16/2012	<u>12</u>	MOTION for Extension of Time to File <i>defendants' Answer or Motion to Dismiss</i> by Commissioner of Social Security.(Fleming, Mary) (Entered: 11/16/2012)
11/16/2012	<u>13</u>	AFFIDAVIT in Opposition re <u>12</u> MOTION for Extension of Time to File <i>defendants' Answer or Motion to Dismiss</i> filed by Jeffrey E. Marion. (Marion, Jeffrey) (Entered: 11/16/2012)
11/20/2012	<u>14</u>	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Telephone Conference held on 11/20/2012 re: Defendants' motion for enlargement of time <u>12</u> . Parties to consider stipulation to resolve Defendants' motion. Defendants shall report to the court by close of business 11/26/2012. Oral argument scheduled for 11/26/2012 is adjourned. Appearances: Pltf-Jeffrey Marion, Esq.; Dft-AUSA Molly Roach. (Court Reporter FTR Gold.) (SDW) (Entered: 11/20/2012)
11/26/2012	<u>15</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for Lack of Jurisdiction by Debra L. Bice, Commissioner of Social Security, Kirsten J. Moncada.(Roach, Mary) (Entered: 11/26/2012)
11/26/2012	<u>16</u>	MEMORANDUM IN SUPPORT re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction by Commissioner of Social Security, Kirsten J. Moncada. (Roach, Mary) (Entered: 11/26/2012)
11/26/2012		Minute Entry for proceedings held before Hon. Leslie G. Foschio: Telephone Conference held on 11/26/2012, granting motion for extension of time to file. Responses due by 11/26/2012. Replies due by 11/28/2012. Oral argument at the discretion of the court. Appearances: Pltf-Jeffrey Marion, Esq.; Dft-AUSA Molly Roach. (SDW) (Entered: 11/28/2012)
11/28/2012	<u>17</u>	MEMORANDUM in Opposition re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction filed by Jeffrey E. Marion, Michele Obermuller and Katie McDonnell (Attachments: # <u>1</u> Affidavit)(Marion, Jeffrey) Modified on 11/29/2012 to add filers (SG). (Entered: 11/28/2012)
11/28/2012	<u>18</u>	CERTIFICATE OF SERVICE by Jeffrey E. Marion, Michele Obermuller, Katie McDonnell re <u>17</u> Memorandum in Opposition to Motion (Marion, Jeffrey) Modified on 11/29/2012 to add filers (SG). (Entered: 11/28/2012)
11/28/2012	<u>19</u>	First MOTION to Amend/Correct <i>Summons & Complaint</i> by Jeffrey E. Marion, Michele Obermuller, Katie McDonnell (Attachments: # <u>1</u> Certificate of Service)(Marion, Jeffrey) Modified on 11/29/2012 to add filers(SG). (Entered: 11/28/2012)
11/29/2012		E-Filing Notification: <u>17</u> MEMORANDUM, <u>18</u> CERTIFICATE OF SERVICE and <u>19</u> First MOTION to Amend/Correct modified to add all filers (SG) (Entered: 11/29/2012)
11/30/2012	<u>20</u>	REPLY/RESPONSE to re <u>17</u> Memorandum in Opposition to Motion, <u>19</u> First MOTION to Amend/Correct <i>Summons & Complaint</i> filed by Debra L. Bice, Commissioner of Social Security, Kirsten J. Moncada. (Attachments: # <u>1</u> Certificate of Service)(Roach, Mary) (Entered: 11/30/2012)
12/05/2012	<u>21</u>	STIPULATION of <i>Discontinuance</i> by Debra L. Bice, Commissioner of Social Security, Kirsten J. Moncada. (Roach, Mary) (Entered: 12/05/2012)

12/06/2012	22	TEXT ORDER: the Stipulation <u>21</u> of the parties for dismissal with prejudice is approved. The Clerk shall terminate the case. Issued by Hon. Richard J. Arcara on December 6, 2012. (WJG) CLERK FOLLOW-UP REQUIRED (Entered: 12/06/2012)
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